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May 14, 2008

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Via Fax and U.S. Mail

Mr. Robert D. Luskin
Patton Boggs LLP
2550 M Street, N.W.
Washington, D.C. 20037-1350

Dear Mr. Luskin:

We are writing in response to your May 9 letter with respect to the invitation to Karl Rove to testify before the House Judiciary Committee concerning the politicization of the Department of Justice, including allegations regarding the prosecution of former Governor Don Siegelman. Because your letter appears to reflect several misunderstandings concerning the subjects we wish to question Mr. Rove about and concerning Committee procedures, we hope that this letter will clarify these matters and help avoid the use of compulsory process. Our position remains, however, that since your client has made a number of on-the-record comments on these subjects to the media, and in light of your (now modified) statement that Mr. Rove would be willing to testify, we can see no justification for his refusal to speak on the record to the Committee. Please contact Committee counsel or respond in writing no later than May 21 as to whether your client will make himself available to the Committee for questioning.

As our previous letters have made clear, the Siegelman case is a principal reason for our invitation to Mr. Rove. But as we have also explained, that issue cannot be separated from the broader concerns about politicization within the Department and the U.S. Attorney firings, and Mr. Rove has made on-the-record comments to the media about all these interrelated matters. This is different from the case of Harriet Miers, who has not made such public statements and has not been linked to the Siegelman case. As we have made clear, Mr. Rove can decline to answer specific questions based on privilege or other grounds, which are most appropriately addressed on a question-by-question basis, not by a refusal to appear altogether.

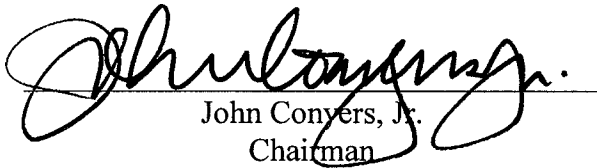
Your letter also suggests that we address written questions to Mr. Rove, which may reflect a misunderstanding of Committee procedure. Although we do often address written questions to witnesses, that occurs after live testimony, which is critical in order to allow the

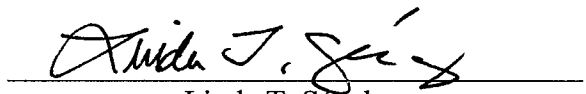
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follow up and give-and-take that is necessary to inquiries of this nature. Since you indicate Mr. Rove is now willing to submit written answers to questions, which by definition would be recorded in a manner similar to a transcript, we do not understand why he would not submit to providing transcribed answers to live questions, as he has done in media interviews. We are willing to consider other possible accommodations, such as providing a list of initial questions that may be asked. But your suggestion that the Committee be limited to written answers is unacceptable.


We hope you and your client will reconsider the decision not to testify on a voluntary basis. Please direct any questions and your response to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax: 202-225-7680).

Sincerely,


John Conyers, Jr.
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Linda T. Sanchez
Chair, Subcommittee on Commercial and
Administrative Law


Artur Davis
Member, Committee on the Judiciary


Tammy Baldwin
Member, Committee on the Judiciary

cc: Hon. Lamar S. Smith
Hon. Chris Cannon